

Application No. 10/713,108
Reply dated July 8, 2005
Response to Office Action dated March 8, 2005

REMARKS/ARGUMENT

Description of amendments

In the specification, a reference to subclaims has been deleted.

In amended Figure 3, the legend "PRIOR ART" has been added.

Claims 20-21 have been added. Applicant has cancelled claims 1-19.

The new claims are supported by the application as originally filed (see, for example, original claims 12-14).

Objection to the drawings

The Examiner indicated that Figure 3 should be designated as prior art. In response, Applicant has done so.

Rejection under 35 U.S.C. §112, first paragraph

Claims 2, 3, 5, 6, 9, 10, and 12-18 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Although the rejection has been rendered moot by the cancellation of the rejected claims, Applicant still wishes to provide the following comments.

The Examiner stated that since a material's static coefficient of friction is higher than its dynamic coefficient of friction, the coefficient of friction should not decrease as the speed differential decreases.

The Examiner's statement is correct with respect to many friction materials. However, as noted by Applicant's attorney in a telephone conference

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with the Examiner, there are friction materials whose dynamic coefficients of friction decrease as the velocity differential decreases. In other words, the friction-velocity curves of these friction materials can have a positive slope. For example, as discussed on pages 6 and 7 of Exhibit A and shown in its Figure 6, the friction-velocity curve of a friction material has a positive slope. Exhibit B also shows a friction material having a friction-velocity curve with a positive slope (see Figure 2 on page 4).

It should also be noted that the curve for the coefficient of friction shown in Figure 5 of the present application was obtained by applying the clutch. Therefore, Figure 5 shows only the dynamic coefficient of friction. The static coefficient of friction can be obtained only by measuring the torque required to disengage the clutch. Therefore, the friction material's static coefficient of friction is not shown.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner contended that certain terms used in the rejected claims were indefinite. Although the rejection has been rendered moot by the cancellation of the rejected claims, Applicant wishes to make two points.

First, the phenomenon "shudder" is one of the most studied in the art. It has a well-established meaning. Therefore, it is often discussed without providing a specific definition, for example, in Exhibit A. Additionally, there is always a certain degree of vibration in a mechanical system, but "shudder" is distinctly different and can be easily recognized.

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Second, claims 2 and 12 recite the use of a material that provides a decreasing coefficient of friction. The fact that the claims do not specify how this is produced does not mean the claim is indefinite. For example, a claim, which recites that two elements are connected but does not specify how, is not indefinite. There is no rule that requires the claim to specify how the two elements are connected.

Rejection under 35 U.S.C. §103(a)

The rejection of claims 1-19 as obvious has been rendered moot by their cancellation.

Patentability of new claims 20-22.

The new claims are patentable because the cited references do not disclose or suggest "materials having a coefficient of friction that decreases as the relative speed between the friction sections decreases (see claim 20)."

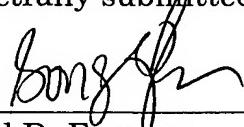
In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52638US).

Respectfully submitted,

July 8, 2005



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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3. In Figure 3, the legend "PRIOR ART" has been added.

Attachment: Replacement Sheet